

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

DONALD C. SEALS, JR.,

Plaintiff,

v.

STATE OF NEBRASKA-DEPARTMENT
OF HEALTH AND HUMAN SERVICES,

Defendant.

8:23CV489

ORDER

This matter is before the Court on plaintiff Donald C. Seals, Jr.'s ("Seals") timely objections (Filing No. 37) to the magistrate judge's¹ Findings and Recommendation (Filing No. 36) recommending the Court deny Seals's motion for leave to amend (Filing No. 21) his complaint. *See* Fed. R. Civ. P. 72 (permitting a party to object to a magistrate judge's pretrial ruling or recommendation within fourteen days); *accord* NECivR 72.2(a). Seals objects to her "recommendation in full" because, in his view, his proposed amended complaint sets forth allegations that meet the governing pleading requirements and state plausible claims for relief under multiple civil-rights statutes.

Having conducted a de novo review of the matter, the Court agrees with the magistrate judge that Seals's proposed amendments are futile for the various reasons she described in her Findings and Recommendation. *See* 28 U.S.C. § 636(b)(1) (providing the district judge "shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made"); Fed. R. Civ. P. 72(b)(3) (same); *Kale v. Aero Simulation, Inc.*, 139 F.4th 684, 690 (8th Cir. 2025) (stating futility is an appropriate basis for denying a motion to file an amended complaint). The magistrate judge poignantly explained the ways in which Seals's allegations fell short of

¹The Honorable Jacqueline M. DeLuca, United States Magistrate Judge for the District of Nebraska.

stating plausible discrimination claims against the proposed individual defendants. She also correctly identified the reasons Seals's other proposed causes of action against defendant State of Nebraska – Department of Health and Human Services (“DHHS”) fail despite the fact that he adequately states a claim against DHHS for racial discrimination under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e *et seq.* Therefore,

IT IS ORDERED:

1. Plaintiff Donald C. Seals, Jr.'s objections (Filing No. 37) to the magistrate judge's Findings and Recommendation (Filing No. 36) are overruled.
2. The magistrate judge's Findings and Recommendation is accepted.
3. Seals's Motion for Leave to File Second Amended Complaint (Filing No. 21) is denied.

Dated this 24th day of July 2025.

BY THE COURT:

A handwritten signature in black ink, reading "Robert F. Rossiter, Jr." with a stylized flourish at the end.

Robert F. Rossiter, Jr.
Chief United States District Judge